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EE:520

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )

Martin John PAGE )

Serial No. 08/335,400 )

Filed: November 3, 1994 )

For: METHOD FOR TREATING A )  
MAMMAL SUFFERING FROM )  
A T-CELL MEDIATED )  
DISORDER WITH A CHO- )  
GLYCOSYLATED ANTIBODY )

Batch No. M29

Examiner: Donald E. Adams  
Group Art Unit 1806

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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL  
DOUBLE PATENTING REJECTION OVER A PENDING APPLICATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Petitioner, BURROUGHS WELLCOME CO., through its undersigned authorized officer, represents that it is the assignee of the entire interest in the subject application, Serial No. 08/335,400, filed on the 3rd day of November, 1994, for METHOD FOR TREATING A MAMMAL SUFFERING FROM A T-CELL MEDIATED DISORDER WITH A CHO-GLYCOSYLATED ANTIBODY, and that an assignment was filed in the parent application Serial No. 07/777,730, filed October 16, 1991, and has been recorded in the U.S. Patent and Trademark Office at Reel 6109 and Frames 0554-0558.

Petitioner hereby disclaims except as provided below the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as presently shortened

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by any terminal disclaimer of any patent issuing from application Serial No. 08/155,864, and hereby agrees that any patent so granted on said above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from application Serial No. 08/155,864, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on said above-identified application that would extend to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from application Serial No. 08/155,864 in the event that any said issued patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer.

The undersigned has reviewed all assignments, chain of title, or other evidentiary documents accompanying or referred to in this Terminal Disclaimer and certifies to the best of the undersigned's knowledge and belief that title is in Petitioner.

The undersigned, whose title is supplied below, is empowered to act on behalf of Petitioner.

The undersigned hereby declares that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

BURRROUGHS WELLCOME CO.

By: David J. Levy  
Signature

Typed Name: David J. Levy

Typed Title: Assistant Secretary

Date: SEPTEMBER 1, 1995